

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICARDO BLACKSHIRE,

Petitioner,

v.

Case No. 2:09-cv-216
HON. R. ALLAN EDGAR

JEFF WOODS,

Respondent.

MEMORANDUM AND ORDER

Petitioner Ricardo Blackshire, a Michigan state prisoner in the custody of the Michigan Department of Corrections, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. Magistrate Judge Timothy P. Greeley submitted his report and recommendation. [Court Doc. No. 40]. It is recommended that the habeas petition be denied and dismissed with prejudice, and that a certificate of appealability be denied under 28 U.S.C. § 2253(c)(2).

Petitioner Blackshire filed objections to the report and recommendation. The objections [Court Doc. No. 41] are not signed by him. There is appended to the objections a reply brief that is signed by Blackshire [Court Doc. No. 41-3]. After reviewing the record *de novo*, the Court concludes that the objections [Court Doc. No. 17] lack merit and are **DENIED**.

The Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR 72.3(b). The Court concludes that the habeas petition is without merit. Petitioner Blackshire has not met his burden of showing that he is entitled to any habeas relief

under 28 U.S.C. § 2254. The habeas petition shall be **DENIED and DISMISSED WITH PREJUDICE**.

If petitioner Blackshire files a notice of appeal, it will be treated as an application for a certificate of appealability which shall be **DENIED** pursuant to 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b)(1); and *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), for the same reasons expressed in the report and recommendation. Petitioner Blackshire has not made a substantial showing of the denial of a federal constitutional right. Reasonable jurists could not find that dismissal of the habeas petition is debatable or erroneous.

A separate judgment will enter.

SO ORDERED.

Dated: October 3, 2011.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE